

AMENDED IN SENATE AUGUST 17, 2010

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2125

Introduced by Assembly Member Ruskin

February 18, 2010

An act to add Sections 35620 and 35621 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2125, as amended, Ruskin. Coastal resources: marine spatial planning.

Existing law declares it is the policy of the state to assess the long-term values and benefits of the conservation and development of ocean resources and uses with the objective of restoring or maintaining the health of the ocean ecosystem and ensuring the proper management of renewable and nonrenewable resources.

Existing law requires the Ocean Protection Council to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations, to establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies, and to identify and recommend to the Legislature changes in law needed to achieve these goals.

This bill would, consistent with the above goals and subject to the availability of funding, require the Ocean Protection Council, to support state agencies' use and sharing of scientific and geospatial information for coastal- and ocean-relevant decisionmaking, including marine spatial planning, by taking specified actions, to assess the needs of California's public agencies with respect to their abilities to gather, manage, use, and share information and decision-support tools relevant to ecosystem-based management in the coastal and ocean environment; ~~and to make a report to the Legislature on, among other things, the advantages and disadvantages of marine spatial planning with respect to coastal and ocean management.~~

The bill would require each state agency, board, department, or commission with ocean or coastal management interests or regulatory authority to cooperate with the ~~council~~ *Ocean Protection Council* to achieve all of the specified goals, subject to available funding and consistent with each entity's individual mandate. The bill would authorize the council to award grants, enter into interagency agreements, and provide assistance to public agencies and nonprofit organizations to support the achievement of these goals and would require the council to give preference to public agencies that are meeting these goals.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California's ocean and coastal waters are unique and valuable
- 4 natural resources that the state holds in trust for the people of
- 5 California.
- 6 (b) The preservation of the state's ocean resources depends on
- 7 healthy, productive, and resilient ocean ecosystems.
- 8 (c) California's coastal and ocean resources are critical to the
- 9 state's environmental and economic security, and integral to the
- 10 state's high quality of life and culture.
- 11 (d) Long-term protection and enhancement of California's ocean
- 12 resources depends on comprehensive and coordinated ocean
- 13 management.

1 (e) (1) Relevant, accessible, and shared scientific and geospatial
2 information is essential to effective ecosystem-based ocean
3 management.

4 (2) President Barack Obama has established an Interagency
5 Ocean Policy Task Force (task force) to develop a national
6 framework for improved ocean stewardship and a process for
7 effective coastal and marine spatial planning. The task force has
8 identified scientific information as a strategic asset that should be
9 developed and managed on an ongoing basis to meet planning
10 needs.

11 (3) Marine spatial planning as defined by the task force is “a
12 comprehensive, adaptive, integrated, ecosystem-based, and
13 transparent spatial planning process, based on sound science, for
14 analyzing current and anticipated uses of the ocean or coastal
15 environment. Marine spatial planning identifies areas most suitable
16 for various types or classes of activities in order to reduce conflicts
17 among uses, reduce environmental impacts, facilitate compatible
18 uses, and preserve critical ecosystem services to meet economic,
19 environmental, security, and social objectives.”

20 (4) California public agencies need better access to relevant
21 scientific and geospatial information when making permitting
22 decisions and conducting long-term planning for the management
23 of California’s coastal and ocean ecosystems. Marine spatial
24 planning is a potential tool for more effective and comprehensive
25 ecosystem-based management of California’s oceans.

26 (f) Future uses of state waters present new threats and increased
27 cumulative impacts. The state seeks appropriate information and
28 management measures to ensure that these uses contribute
29 positively to the state and do not cause unnecessary user conflicts
30 or adverse impacts to our valuable coastal and marine resources.

31 (g) Effective ecosystem-based ocean management is enhanced
32 by the state’s use of scientific and geospatial information related
33 to California’s coastal and ocean ecosystems.

34 (h) Effective ecosystem-based ocean management is advanced
35 by human and technological resources that support the strategic
36 use of scientific and geospatial information by public agencies,
37 users of coastal and ocean ecosystems, and the public. These
38 resources include, but are not limited to, all of the following:

39 (1) Education and training of existing staff.

(2) New and retained staff members with training in geographic information systems and other relevant disciplines.

(3) Information discovery and search tools that facilitate information gathering and sharing.

(4) Decision-support tools that convey planning-relevant information to decisionmakers, users, and the public, and assist them with making planning decisions.

(i) The Ocean Protection Council was created to, among other things, coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources.

SEC. 2. Section 35620 is added to the Public Resources Code, to read:

35620. (a) Consistent with this chapter, and subject to the availability of funding, the council shall support state agencies' use and sharing of scientific and geospatial information for coastal- and ocean-relevant decisionmaking, including marine spatial planning, by taking all of the following actions:

(1) Assess the needs of California's public agencies with respect to their abilities to gather, manage, use, and share information and decision-support tools relevant to ecosystem-based management in the coastal and ocean environment.

(2) Subject to a determination of need in paragraph (1) and in consultation with the relevant coastal or ocean management agency, increase the amount of baseline scientific and geospatial information that is available to public agencies in a publicly accessible, electronic, and geospatial format with respect to the following aspects of coastal and ocean ecosystems:

(A) Ecosystem health, structure, functioning, productivity, resilience, and vulnerability to threats.

(B) The effects of climate change.

(C) The cumulative effects of human-caused and natural sources of stress.

(D) Existing and predicted patterns of human activities, including activities that present conflicting or compatible demands on coastal and ocean ecosystems or those that require the use of a precautionary approach.

(E) Social, economic, and cultural values, including the value of coastal and ocean ecosystems for providing ecosystem services.

1 (F) Distinguishing ecological characteristics, including habitat
2 heterogeneity, species abundance, and biodiversity.

3 (G) Other physical, biological, economic, social, and cultural
4 information that the council determines is relevant to marine spatial
5 planning.

6 (3) Support public agencies' collaborative management and use
7 of scientific and geospatial information relevant to ecosystem-based
8 management.

9 (4) Help identify decision-support tools relevant to
10 ecosystem-based management, and, where appropriate, support
11 the adaptation of those tools or the creation of new tools to serve
12 the state's needs.

13 ~~(b) Subject to the availability of funding, but no later than 12~~
14 ~~months following the receipt of sufficient funding, the council~~
15 ~~shall report to the Legislature on all of the following:~~

16 ~~(1) The advantages and disadvantages of marine spatial planning~~
17 ~~with respect to coastal and ocean management, including, but not~~
18 ~~limited to, consideration of the possible role of marine spatial~~
19 ~~planning in all of the following:~~

20 ~~(A) Improving ecosystem health, functioning, productivity,~~
21 ~~resilience, and vulnerability to threats.~~

22 ~~(B) Addressing the effects of climate change.~~

23 ~~(C) Evaluating and mitigating the cumulative effects of~~
24 ~~human-caused and natural sources of stress.~~

25 ~~(D) Assessing existing and predicted patterns of human~~
26 ~~activities, including activities that present conflicting or compatible~~
27 ~~demands on coastal and ocean ecosystems.~~

28 ~~(E) Understanding social, economic, and cultural values,~~
29 ~~including the value of coastal and ocean ecosystems for providing~~
30 ~~ecosystem services.~~

31 ~~(F) Evaluating other physical, biological, economic, social, and~~
32 ~~cultural issues that the council determines are relevant.~~

33 ~~(2) Whether marine spatial planning is expected to enhance~~
34 ~~coastal and ocean resource planning, management, or regulation~~
35 ~~and leads to greater efficiencies or cost savings for the state or~~
36 ~~regulated community.~~

37 ~~(3) Whether marine spatial planning is expected to enhance the~~
38 ~~sustainability, conservation, or protection of coastal and ocean~~
39 ~~resources.~~

1 ~~(4) The implications of federal marine spatial planning policies~~
2 ~~and their impact on state or local coastal and ocean management.~~

3 ~~(5) Recommendations to the Legislature to facilitate marine~~
4 ~~spatial planning.~~

5 ~~(6) Other matters deemed relevant by the council.~~

6 ~~(e) The requirement for submitting a report imposed under~~
7 ~~subdivision (b) is inoperative four years after the report is due,~~
8 ~~pursuant to Section 10231.5 of the Government Code, and shall~~
9 ~~be submitted in compliance with Section 9795 of the Government~~
10 ~~Code.~~

11 ~~(d)~~

12 ~~(b)~~ Subject to available funding, and consistent with their
13 individual mandates, each agency, board, department, or
14 commission of the state with ocean or coastal management interests
15 or regulatory authority shall cooperate with the council to achieve
16 all of the goals described in ~~subdivisions (a) and (b)~~ *subdivision*
17 ~~(a)~~.

18 SEC. 3. Section 35621 is added to the Public Resources Code,
19 to read:

20 35621. Consistent with the council's authority and
21 responsibility under this chapter to coordinate activities of state
22 agencies with ocean or coastal management interests or regulatory
23 authority, to improve the effectiveness of state efforts to protect
24 ocean resources, and to establish policies to coordinate the
25 collection and sharing of scientific data related to coastal and ocean
26 resources among agencies, the council may award grants, enter
27 into interagency agreements, and provide assistance to public
28 agencies and nonprofit organizations to support this effort,
29 including grants to improve geospatial data collection, interagency
30 data sharing and collaboration, and tools for visualizing and
31 analyzing these data. In allocating grants and assistance, the council
32 shall give preference to public agencies that are meeting the goals
33 described in Section 35620.